

Staff Summary Report



Hearing Officer Hearing Date: December 4, 2007

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the **EHLERS RESIDENCE (PL070479)** located at 946 East Knight Lane for one (1) variance.

DOCUMENT NAME: 20071204dsac01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **EHLERS RESIDENCE (PL070479)** (John Ehlers, applicant/property owner) located at 946 East Knight Lane in the R1-7, Single Family Residential District for:

VAR07029 Variance to reduce the east side yard setback from seven feet (7') to four feet (4') for a garage addition.

PREPARED BY: Alan Como, Planner II (480-350-8439)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

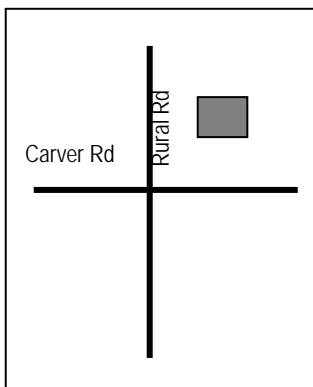
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Denial

ADDITIONAL INFO: The Ehlers Residence is requesting a variance to reduce the side yard setback from seven (7) feet to four (4) feet for a 3rd car garage addition. The proposed garage face will be located approximately twenty-one (21) feet four (4) inches from the front property line. Staff recommends denial of the variance owing to lack of hardship, special circumstances or evidence indicating potential loss of substantial property rights. In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on November 18, 2007; four neighbors attended the meeting and staff received a letter of support.



PAGES:

1. List of Attachments
2. Comments, Reason for Denial
3. Conditions of Approval, History & Facts/Description, Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Elevations
6. Neighborhood Letter
- 7-9. Neighborhood Meeting Minutes
- 10-11. Applicant Photographs
12. Staff Photographs

COMMENTS:

The Ehlers Residence is requesting a variance to reduce the side yard setback from seven feet (7') to four feet (4') for a 3rd car garage addition. The structure will be constructed to complement the design of the existing dwelling. The Zoning and Development Code requires that side yard setbacks in the R1-7 zoning district be 7'-0". The applicant is requesting a variance from this standard to be allowed to encroach approximately three feet (3') into the required side yard setback. The applicant's letter states that the variance is needed due to the location of the house within the building setback envelope. The letter also states that several other homes in the neighborhood were able to construct additions without requiring the variance procedure. Analysis of this request results in staff finding that there are no special circumstances or conditions affecting this building, land, or use to warrant approval of the variance. Staff encourages the applicant to explore other designs that will conform to the setback standards in the R1-7, Single Family Residential District. Staff would support a use permit to reduce the side yard setback by twenty percent (20%) from seven feet (7') to five feet and six inches (5'- 6").

Variance:

The Zoning and Development Code requires a variance to reduce the side yard setback from seven feet (7') to four feet (4') in the R1-7, Single Family Residential District

Evaluating the variance, the proposal does not appear to meet the criteria for approving the variance:

- a. There are special circumstances or conditions applying to the land, building, or use referred to in the application;
 - The applicant has indicated that the special circumstance is that the original location of the house did not allow for a garage addition. There is no other evidence of special circumstance keeping with the land, building or use.
- b. That authorizing the variance is necessary for the preservation and enjoyment of substantial property rights;
 - A reduction of the required side yard setback from seven feet (7') to four feet (4') for a third car garage is not necessary for enjoyment of substantial property rights.
- c. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.
 - The owner has created a need for this variance by proposing a third car garage that encroaches into the required side yard setback by three feet (3'); therefore, this is self-imposed condition.

Conclusion

Staff recommends denial of the side yard setback variance.

REASON(S) FOR

DENIAL:

1. No special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is not necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) will may be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. Obtain all necessary clearances from the Building Safety Division.

HISTORY & FACTS:

None pertinent to this case.

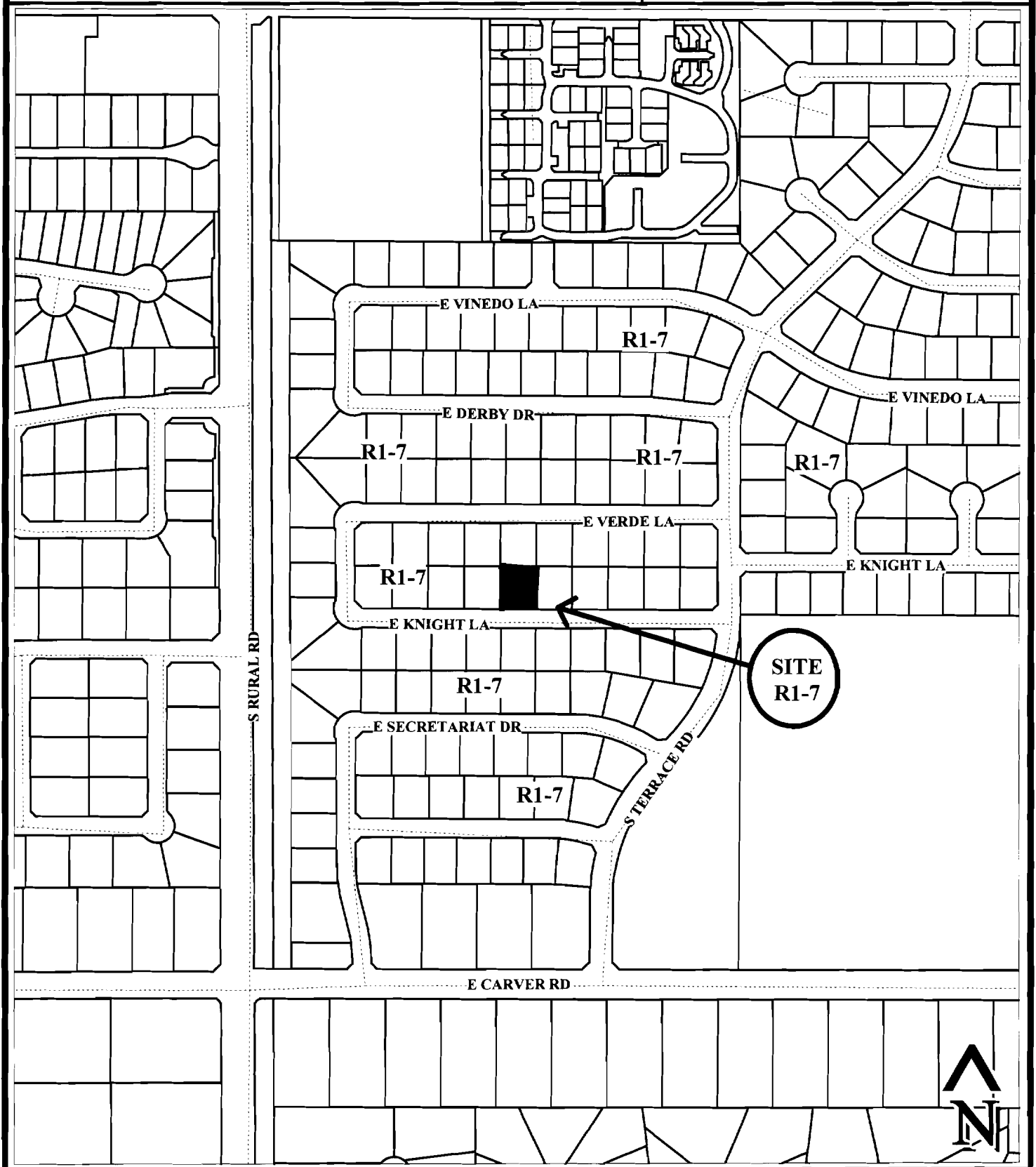
DESCRIPTION:

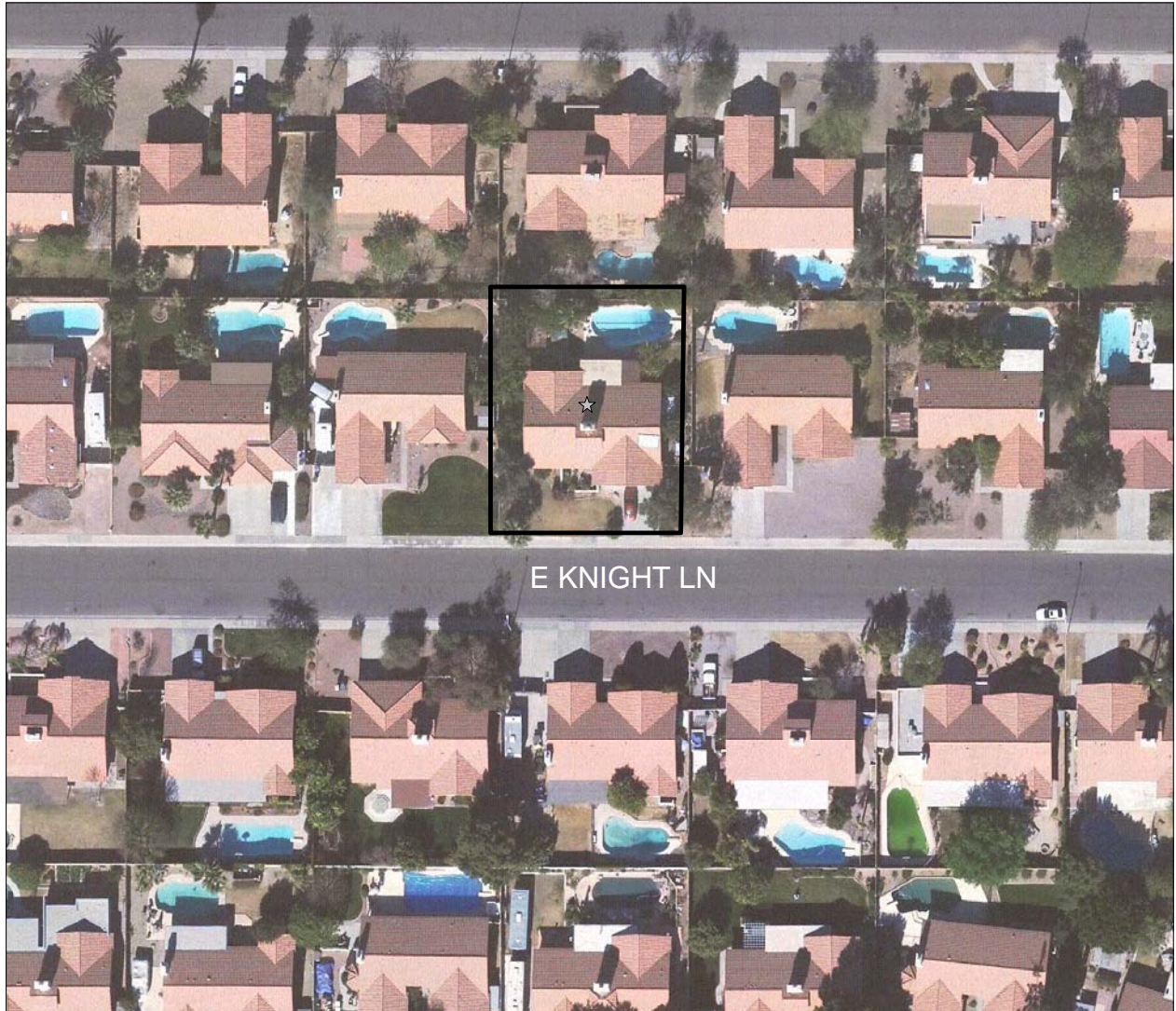
Owner – John Ehlers
Applicant – John Ehlers
Existing Zoning – R1-7, Single Family Residential District
Required Side Yard setback: 7'-0"
Proposed Side Yard setback: 4'-0"

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Citations of Code Requiring Use Permit(s) & Variance(s):

Zoning & Development Code:
Part 4, Chapter 2, Section 4-202.
Part 6, Chapter 3, Section 6-309

EHLERS RESIDENCE**PL070479**



EHLERS RESIDENCE (PL070479)

November 5, 2007

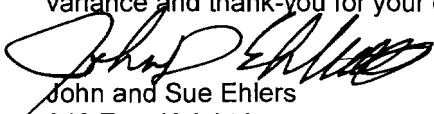
To:
Development Services Department, Planning
City of Tempe

My wife, Sue and I have decided to remodel our master bathroom and add a third car garage at our home on Knight Lane. Unfortunately, when the original owner built the house, it was placed in the center of the lot, not leaving quite enough room for another garage. We are asking for a variance to encroach on the side yard setback. The current setback is 7'-0" and we need to cross that line by 2'-11", leaving 4'-1" as our proposed setback on the east side of the house only. The other side will remain at 15'-3", well over the 7'-0" setback on the west side. The part of the proposed addition that encroaches is 24'-8" long by 2'-11" wide by 11'-4" high and will be built out of 8" masonry to match the rest of the house. This is less than 22% of the property length and less than 48% of the proposed east elevation. It will have a flat roof, so no overhang will protrude beyond the proposed 4'-1" setback line. It will also be recessed 16" from the front of the rest of the garage addition to minimize the effect from the street and provide more interest in the front of the home. All other planned improvements are inside the current setbacks.

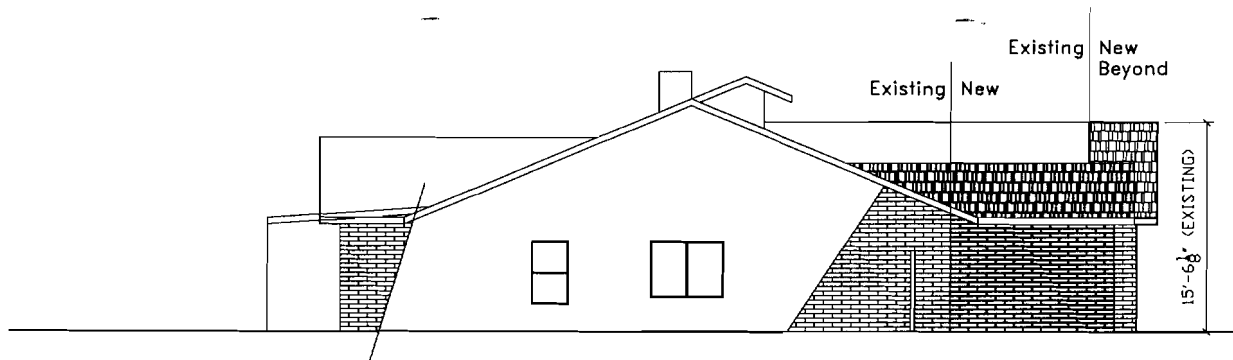
The justifications for this are as follows:

- a.) As stated above, the original owner/builder placed this house inside both original setback lines, almost centered in the site, not leaving sufficient room to add a garage within the setbacks, whereas other properties in the neighborhood and even 4 on this street were able to add garages without this variance process. The property across the street has over 22'-0" between the garage and the property line (approximately 7'-0" wider than ours), even though that property is 3ft narrower in width.
- b.) With many current homes, and at least 4 on our street, having 3 car garages, our ability to add a garage is impinged with the original siting (not by us). With our proposed lot coverage far below the allowable (current 27%, proposed 32%, allowable 45%) our house only lacks the space to allow for the garage because of the original site plan. Not adding a third garage keeps us from keeping our house up with the neighborhood as others are able to improve their homes to current 'standards'.
- c.) The authorizing of this variance will not have a detrimental effect on the neighborhood in that allowing it will take one more car out of view, it upgrades the property value and thereby the tax basis for the overall improvement of the neighborhood. The proposed construction is 8" masonry, which by it's nature is a 2 hr fire rated wall (and could be grouted solid to provide a 4 hr fire rated wall) with no overhang, thereby reducing the fire risk next to the property line and adjoining property. The west side of our home is currently 15'-3" from the property line, 8'-3" INSIDE the 7'-0" setback line, so the visual density from the street would still be less than many of the homes in the neighborhood.
- d.) Zoning and unit density remain the same, proposed lot coverage is well below allowable, as stated above.
- e.) The original layout was done by the original owner/builder in the mid 1980's, we purchased the property in 1998.
- f.) To the best of our knowledge, no part of this construction would be otherwise prohibited by any other Code items.

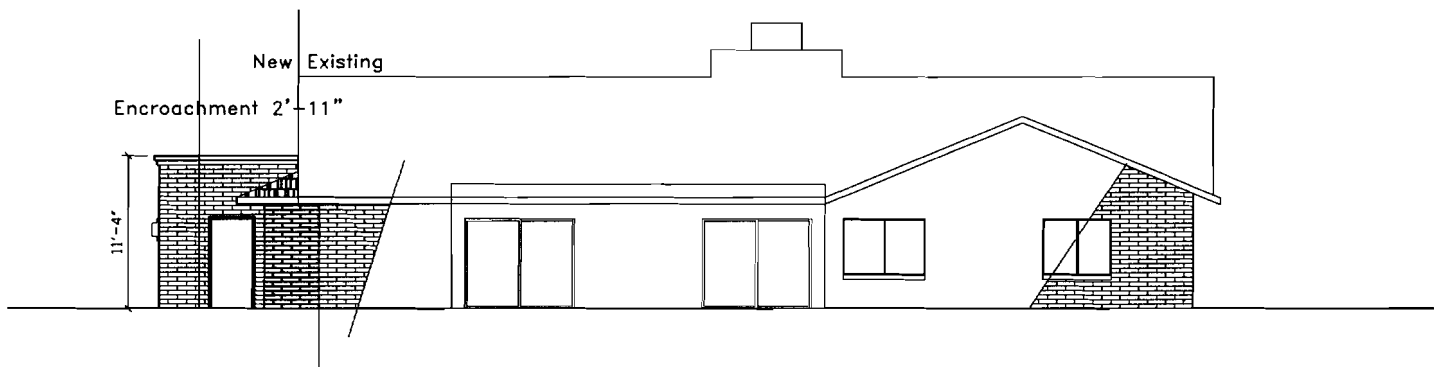
Please feel free to contact use with any questions and we look forward to the granting of this variance and thank-you for your consideration,


John and Sue Ehlers
946 East Knight Lane
Tempe, Arizona 85284-1510

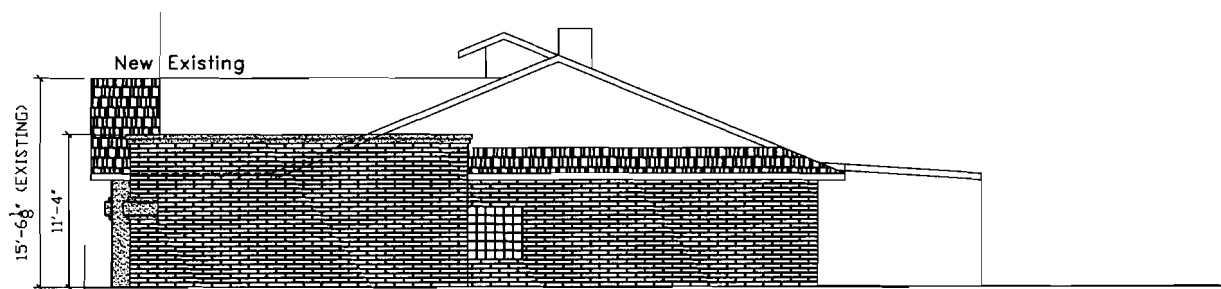
480-897-8900 home, 602-315-5208 cell



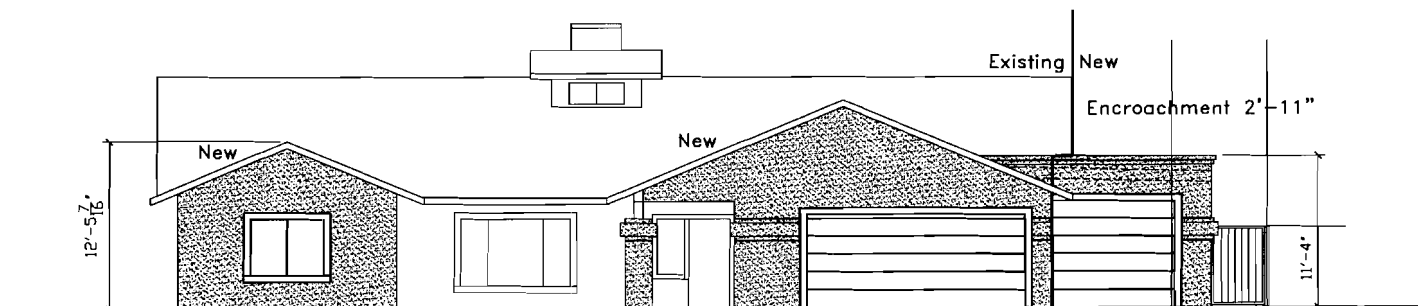
Proposed West Elevation



Proposed North Elevation

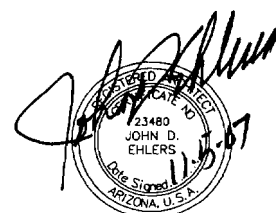


Proposed East Elevation



Proposed South Elevation

Sue and John Ehlers Residence
946 East Knight Lane
Tempe, Arizona 85284



November 2, 2007

Hello Neighbors,

Sue and I have decided it's time to remodel our master bathroom and add a third car garage at our home on Knight Lane. Unfortunately, when the original owner built the house, it was placed in the center of the lot, not leaving quite enough room for another garage. We've decided to ask the city for a variance to encroach on the side yard setback. The current setback is 7'-0" and we need to cross that line by 2'-11", leaving 4'-1" as our setback on the east side of the house. The part that encroaches is 24'-8" long by 2'-11" wide and will be built out of 8" masonry to match the rest of the house. It will have a flat roof, so no overhang will protrude beyond the 2'-11" line.

As part of that process, we must hold a Neighborhood meeting to let any interested neighbors come by and ask questions about the project and provide any input they might have. The meeting will be held on Sunday, November 18th, 2007 between 4:00 p.m. and 6:30 p.m. and will be at our residence at 946 East Knight Lane. We will have the plans and elevations available and we'll be available to answer any questions or concerns. Enclosed is a site plan that we will be submitting to the city showing what we have planned.

We look forward to meeting with any of you who would like to discuss the plans or provide input.

Thanks,
John and Sue Ehlers

480-897-8900 home
602-315-5208 cell

LETTER & PLAN
MAILED TO
PROPERTY OWNERS

November 18, 2007

**Meeting Minutes
Neighborhood Meeting for Variance Request**

**PL070479
VAR07029**

The meeting was held between 4 and 6:30 p.m. today, 11-18-07 and hosted by myself and my wife Sue.

Attendees:

Two neighbor families who were out of town while we were gathering signatures of support 2 weeks ago and live diagonally across the street from us dropped by to see what we were planning and sign our Petition of Support (see attached):

1. **Devin and Kim Jindrich, 1005 East Knight Lane**
2. **Li-Sheng and Fang-Hsi Weng, 937 East Knight Lane**

Also attending were our next door neighbor to the east (the side most effected by the variance) as well as our neighbor across the street:

3. **Pat Dye, 945 East Knight Lane**
4. **Steve Jubie and his son Zack, 1006 East Knight Lane**

both of whom had already signed our Petition of Support on November 4th, 2007.

All questions were answered and no objections were noted. All neighbors that we contacted within the immediate area (within sight of our house) have expressed support and signed our petition, except two who didn't express concern, but who didn't like signing a form.

Meeting ended at 6:30 as posted.

Respectfully,



John Ehlers

**John and Sue Ehlers
946 East Knight Lane
Tempe, Arizona 85284-1510**

480-897-8900 home, 602-315-5208 cell

Meeting Attendance

11/18/07

Variance request, 946 East Knight Lane

Signature:

Name:

Address:

Date:

PAT DYE 945 E. KNIGHT

STEVE JUBIE 1006 E. KNIGHT

LI-YEN WEN 937 E. KNIGHT

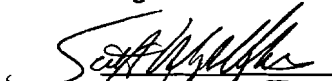
DEVIN & KIM JINDRICH 1005 E. KNIGHT


To:
City of Tempe, Zoning Administrator


Re: Variance Request at 946 East Knight Lane, Tempe, 85284

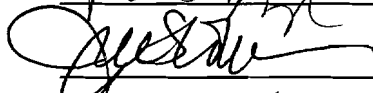
We have reviewed the plans and elevations for this request, all our questions have been answered and we, the undersigned, support the request to encroach 2'-11" into the 7'-0" sideyard setback.

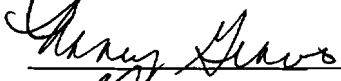
Signature: Name: Address: Date:


 Scott Williams 938 E. Knight Ln 11/3/07


 PATRICK DYE 945 Knight Ln 11/3/07


 Karen Dye 945 E Knight 11/3/07

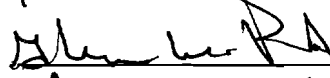
 Jill Cohen 903 E. Derby Dr 11/4/07

 Nancy Graves 1016 E Verde Lane 11/4/07


 PETER GRAVES 1016 E VERDE LN 11-4-07

 Patricia Quinn Patricia Quinn 1007 E. Verde Ln. 11/4/07

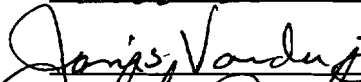
 John Reche John Reche 945 E Verde Ln 11-4-07

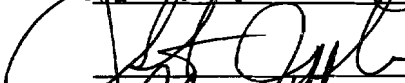
 Blankw. Pike 942 E. Verde Lane Tempe 11-4-07

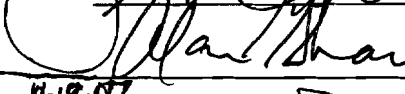
 LAURIE KOENIG 922 E Knight Ln 85284

 Sara Marcum 929 E. Knight Ln - 85284

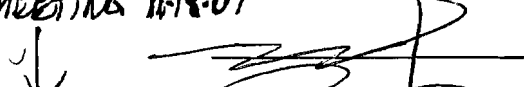
 SARALEE DEACON 1024 E. KNIGHT LN 85284


 Jarvis VanderLaan Jarvis VanderLaan 1014 E Knight Ln. 85284

 STEVE JUBIE 1006 E KNIGHT LN 11-4-07

 Alan Sharlin 930 E Knight Ln 11/4/07

MEETING 11-18-07

 Li-Sheng Wang 937 E Knight Ln 11-18-07

 DEVIN SINDRIGH 1005 E. KNIGHT LN. 11/18/2007







EHLERS RESIDENCE

946 E KNIGHT LN

PL070479

**FRONT OF RESIDENCE: PROPOSED GARAGE
ADDITION**